

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

ROY SAMUEL HURST,
ADC #120472

PETITIONER

v.

No. 5:15-cv-41-DPM

PAYNE, Warden, Wrightsville Unit,
Arkansas Department of Correction

RESPONDENT

ORDER

On *de novo* review, the Court adopts the recommendation, *No 14*, as modified and overrules Hurst's objections, *No 15*. FED. R. CIV. P. 72(b)(3). Hurst's petition, *No 1*, will be dismissed without prejudice. The record is not clear about whether Hurst met his deadline for filing a state post-conviction petition. *No 10 at 6-7*. No certificate of appealability will issue. 28 U.S.C. § 2253(c)(1)-(2).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

20 October 2015